

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RONALD L. STONE BEY,	:	
Plaintiff	:	
	:	No. 1:21-cv-113
v.	:	
	:	(Judge Rambo)
U.S DEPARTMENT OF	:	
JUSTICE, et al.,	:	
Defendants	:	

ORDER

AND NOW, on this 18th day of February 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. No. 7) is **GRANTED**;
2. Plaintiff shall pay the full filing fee of \$350.00, based on the financial information provided in the application to proceed *in forma pauperis*. The full filing fee shall be paid regardless of the outcome of the litigation;
3. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is directed to deduct an initial partial filing fee of 20% of the greater of:
 - a. The average monthly deposits in the inmate's prison account for the past six months, or
 - b. The average monthly balance in the inmate's prison account for the past six months.

The initial partial filing fee shall be forwarded to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in Plaintiff's inmate trust fund account exceeds \$10.00, the

Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the above-captioned docket number;

4. The Clerk of Court is directed to forward a copy of this Order to the Superintendent/Warden of the institution where Plaintiff is presently confined;
5. The complaint (Doc. No. 1) is **DEEMED FILED**;
6. The complaint (Doc. No. 1) is **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff's claims seeking immediate release are **DISMISSED WITHOUT PREJUDICE** to Plaintiff's right to seek such release in a properly filed habeas corpus action. Plaintiff's claims seeking monetary damages for his allegedly unconstitutional conviction are **DISMISSED WITHOUT PREJUDICE** to reassertion in a new civil action only in the event his conviction is reversed, vacated, or otherwise invalidated. Plaintiff's remaining claims against Defendants are **DISMISSED WITH PREJUDICE**. Plaintiff may not file an amended complaint in this matter; and
7. The Clerk of Court is directed to **CLOSE** the above-captioned case.

s/ Sylvia H. Rambo
United States District Judge